

September 4, 2001

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Davis, Holmes, Frye, and Mason were present. Chairman Kemp was absent. Rev. Robert Boyd, Seagrove Christian Church, gave the invocation, and everyone recited the Pledge of Allegiance.

### **Consent Agenda**

*On motion of Holmes, seconded by Davis, the board unanimously approved the consent agenda, as follows:*

- *Approve minutes of August 6;*
- *Reappoint Marian Tillman to the Adult Care Home Community Advisory Committee (3-year term);*
- *Approve the following resolutions:*

***WHEREAS**, the Department of Transportation has investigated Forest Park Drive, Idlewild Drive Extension and Rockaway Drive in the Forest Park Subdivision; and*

***WHEREAS**, the subject streets have been found to meet minimum requirements for addition;*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that Forest Park Drive, Idlewild Drive Extension and Rockaway Drive in the Forest Park Subdivision be added to the Division of Highways' Secondary Road System.*

*and*

***WHEREAS**, the Department of Transportation has investigated Hunters Woods Drive in Hunters Woods Subdivision; and*

***WHEREAS**, the subject street has been found to meet minimum requirements for addition;*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that Hunters Woods Drive, in Hunters Woods Subdivision be added to the Division of Highways' Secondary Road System.*

- *Appoint Darlene and Jeffrey Wagoner to the Child Fatality Prevention/Community Child Protection Team (parent of a deceased child slot) (3-year term).*

### **Introduction of New Tourism Development Authority Director**

Hal Johnson, Planning Director, introduced Linda Spaulding, new Executive Director of the Randolph County Tourism Development Authority.

### **Local Law Enforcement Block Grant Application**

Major Allen McNeill told the Board that Randolph County has been awarded a Local Law Enforcement Block Grant (LLEBG) in the amount of \$27,546 to be used to reduce crime and improve public safety. The LLEBG Advisory Board recommends that these funds be used for enhanced security at the courthouse. This grant requires a local match of 10%, or \$3,061. The grant stipulates that the Board of County Commissioners must accept the recommendation of the LLEBG Advisory Board regarding the use of the funds and also set a public hearing.

*On motion of Holmes, seconded by Mason, the Board voted unanimously to accept the recommendation of the LLEBG Advisory Board to use the grant funds for enhanced security at the courthouse and set October 1, 2001, 5:00 p.m. for a public hearing as required by the LLEBG.*

### **Changes to Layout of Commissioners Meeting Room**

Bill McDaniel, Maintenance Supervisor, reviewed his proposal for a new commissioner table and dais layout that should alleviate problems with acoustics and difficulties with Board members being able to see and hear one another. He said that he should be able to finish all work during the month of October.

*On motion of Holmes, seconded by Davis, the Board voted unanimously to approve Mr. McDaniel's proposal as presented.*

#### **Purchase of HVAC Units for McDowell Center**

Mr. McDaniel told the Board that the existing 19 gas pack units at the Ira McDowell Center are over 20 years old and are in a continuous state of repair. Bids have been taken on 19 new gas packs for the 3 buildings. The bids include gas pack units of different tonnage, dampers for these units and adapter curbs to retrofit the existing units to the new ones. The County's maintenance staff will do installation. Bids are as follows:

<b>Company</b>	<b>Brand</b>	<b>Bid</b>
Carrier Bryant, Greensboro, NC	Carrier	\$45,291.00
CC. Dickson Company, Asheboro, NC	Armstrong	\$51,425.00
Brady Trane, Greensboro, NC	Trane	\$49,218.50 (w/o adapter curbing)

Mr. McDaniel recommends awarding the bid to the low bidder.

*On motion of Davis, seconded by Mason, the Board voted unanimously to award the bid for 19 gas pack units to the low bidder, Carrier Bryant, for \$45,291.00.*

#### **Budget Amendment – Sheriff**

Major Allen McNeill asked the Board for permission to spend \$325,000 in law enforcement restricted funds for supplies, capital outlay and undercover funding. Some of the items to be purchased include digital cameras, computers, printers and software, a used 4 x 4 pick-up truck, surveillance cameras, video editing equipment, automated (latent) fingerprint ID system, and mobile data units.

*On motion of Davis, seconded by Mason, the Board voted unanimously to approve Budget Amendment # 10 to reflect \$325,000 in expenditures of law enforcement restricted funds:*

<b>GENERAL FUND - #10</b>	
<b><i>Revenues</i></b>	<b><i>Increase</i></b>
<i>Fund Balance Appropriated</i>	\$325,000
<b><i>Appropriations</i></b>	<b><i>Increase</i></b>
<i>Sheriff &amp; Jail</i>	\$325,000

#### **Annual Report of the Child Fatality Prevention/Community Child Protection Team**

MiMi Cooper, Public Health Director, gave an annual report of the Combined Child Fatality Prevention Team and Community Child Protection Team in accordance with NCGS 143-576.1(a)(2). The purpose of this Team is to review child deaths and make recommendations for systems improvements that may prevent child fatalities in Randolph County. She stated that there were 30 child deaths during the past year (September, 2000 – August, 2001). The Team did not identify any system problems during this time but did ask the State Team to look at laws surrounding the use of ATVs by children. The local Team used some of the support monies allocated by the State to purchase bike helmets and infant car seats to be given as prizes at programs where safety issues were taught. The Community Child Protection Team reviewed 4 active child protection cases in the Department of Social Services and made suggestions for additional services to the families involved.

#### **Request from N.C. Association of County Commissioners (NCACC) to Participate in Funding a Lawsuit Against the U.S. Healthcare Financing Administration (HCFA)**

Neil Allen, Emergency Services Director, told the board that NCACC is working on getting North Carolina counties better Medicare reimbursement rates. Medicare regulations are administered by HCFA which is a regulatory body that writes interpretations of the Social Security Act and other laws passed by Congress, and it is responsible for the implementation of these laws. A national regulation-negotiating committee (which Ron Aycock of NCACC served on) recommended to Congress a comprehensive set of regulations to enact a national ambulance fee schedule.

Under a new law passed by Congress, Medicare reimbursements will be based on the national average cost of an ambulance trip (or on the actual charge, whichever is less), not on the usual and customary charges for a particular geographical area, as it has been in the past. The national average figure includes in-county mileage costs, which every state except North Carolina and Tennessee has been charging for quite some time. North Carolina's and Tennessee's Congressional delegation were able to get a new law enacted to allow our two states to charge and be reimbursed by Medicare for in-county mileage, but that reimbursement is tied to the new law that addresses reimbursement based on national average cost, which was originally scheduled to be implemented January 1, 2001.

The problem is that HCFA has not implemented this Congressional mandate, and HCFA is now saying it will not be implemented until January 1, 2002. There is much concern that this date will also come and go without action. Therefore, NCACC is asking local governments' participation to fund a lawsuit against HCFA to compel them to implement this national ambulance fee schedule.

North Carolina's EMS reimbursement rates are at or very near the bottom nationally, with a Medicare reimbursement of \$106, while the national average is \$320. Currently Randolph County's Medicare-approved EMS rate is \$137.50, while it costs \$368.50 to provide this service. This disparity between cost and charges needs to be evaluated. If a national Medicare reimbursement rate were implemented, Randolph County's current charge would result in the County's collecting less than the Medicare allowable for EMS services. The County is also losing potential income from managed care and commercial insurers with charges that are significantly below cost.

Mr. Allen recommended that the Board evaluate Randolph County's support of the NCACC lawsuit. NCACC is requesting \$125,000 statewide to support this effort. The proportional amount for Randolph County is \$2,239, which is available from lapsed salaries in the EMS budget. If a national fee schedule is implemented in North Carolina, it will be important for the Board to evaluate the County's existing charge structure to assure maximization of reimbursement from all payer sources.

*On motion of Holmes, seconded by Davis, the Board voted unanimously to allocate \$2,239 in EMS lapsed salary to provide Randolph County's share of funding for a lawsuit against the U.S. Healthcare Financing Administration.*

*Commissioner Mason left the meeting at this point and did not return.*

### **Closed Session**

*On motion of Davis, seconded by Holmes, the Board voted unanimously at 5:00 p.m. to go into closed session to discuss an economic development project, pursuant to NCGS 143-318-11(a)(4). They returned from closed session at 6:13 p.m. and resumed their regular meeting.*

### **Resolution to Accelerate Design & Right-of-way Acquisition and Fully Fund the Southern Leg of I-74**

*On motion of Holmes, seconded by Davis, the Board voted unanimously to approve the following resolution:*

**WHEREAS**, the North Carolina Department of Transportation (NCDOT) has designated an 11.53 mile section as Transportation Improvement Project R-2606, representing the southern leg of Interstate 74 from State Road 1920 (just south of Interstate 85) to US 220 (designated Interstate 73); and

**WHEREAS**, the project designated R-609, (the portion of I-74 traveling through Forsyth and Guilford Counties) is now under construction or funded, leaving only the R-2606 (future Interstate 74 Corridor) portion of the project not funded and not scheduled for construction until after 2008; and

**WHEREAS**, Interstate 74 is of great importance to the five counties it travels through as a major regional transportation corridor, providing a much needed link between the Piedmont Triad and Randolph County and the Midwestern United States; and

**WHEREAS**, the construction of Interstate 74 will have a significant economic impact to the growth of the region and Randolph County and will contribute to the expansion of the local and regional economy through an increase in the tax base and the creation of quality jobs; and

**WHEREAS**, the construction of Interstate 74 as designated by the completion of R-2606 meets the stated goal of NCDOT by building roads to help rural areas with economic development and reducing traffic congestion in urban areas.

**NOW, THEREFORE, BE IT RESOLVED** that the Randolph County Board of Commissioners unanimously encourages the North Carolina General Assembly and the North Carolina Board of Transportation to accelerate the design and right-of-way acquisition and fully fund the southern leg of Interstate 74 to be located in Randolph County.

### **Rezoning Public Hearing**

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Administrator, presented the following requests, and Vice Chairman Frye opened the public hearing for comments on each request and closed it before taking action on each request. Mr. Johnson announced that the Alvah Skeen request has been postponed until the October 1 meeting.

1. JAMES SMITH, Greensboro, is requesting that 14.02 acres located at 6788 Willard Road, Liberty Township, be rezoned to amend the current HI/CU zoning which allows the operation of a go-kart raceway facility. The proposed amendment would include changes in hours and days of operation. The Planning Board recommended unanimously that this request be approved with the following conditions:

- Closed Sundays and open on Friday from 5 p.m. to 11 p.m.
- Open Saturdays from 9 a.m. to 11 p.m.
- Open from April through November
- Appropriate fencing and buffers (approved by the Planning staff) adjoining the Marvin Wall property
- No more races until proper fencing and buffer approved by staff have been established

Mr. Johnson stated that since the original Conditional Use permit was granted in May of 2000 there have been many complaints from neighbors that Mr. Smith operates the facility beyond the permitted hours. Mr. Smith also erected a building without a building or watershed permit. The County has been working with Mr. Smith for several months concerning his Conditional Use violations. Code officials have visited the site and have informed Mr. Smith on different occasions that he is out of compliance. The County had begun the process of revoking Mr. Smith's permit when he asked for an amendment to his permit to expand his hours of operation. Legal action is now on hold, pending the outcome of this request.

**Jim Smith**, 4601 Schoolway Drive, Greensboro, said he has Sheriff's deputies on-site for every race and that the fencing is now complete. He said he did not build a new building; he moved two together. He added that he has closed more times at 9:00 p.m. than any other time and that most of the complaint calls have come from just two individuals who live 1½ to 2 miles away. He presented written information from neighbors, Sheriff's Department, and Staley Fire Department in support of his statements. He stated that he had never intentionally violated his permit conditions.

**Phil Grant**, 1844 Oak Drive, Asheboro, explained that this red dirt track must be watered between some races when it gets too dusty or starts cracking from drying out too much. Then there is a waiting period after watering before the next race can commence. These factors can affect the time when all races have been completed. Mr. Grant stated his support for Mr. Smith's operation and said it helps to keep teenagers off the streets.

**Marty Ward**, 1254 Pineview Road, Randleman, said this facility provides entertainment for teenagers and the whole family. She said go-kart racing is the fastest growing sport in the world

**Charles Ammen**, 4174 Riverside Road, Ramseur, shared state and national go-kart racing manuals with the Board to demonstrate that the racing season takes up most of the calendar year.

**Steve Schmidley**, attorney for the Walls (neighbors), discussed problems that this operation has caused for the Walls, including lights, noise, trash, and trespassers. He said they are unable to enjoy the peace and tranquility of this rural neighborhood. Mr. Schmidley reviewed the areas in which Mr. Smith is out of compliance. He also reviewed complaints received by 911 concerning races extending beyond the 10:00 p.m. curfew and said that one complaint was received on August 15, 2001, after the Planning Board considered this new request. Mr. Schmidley asked the Board to deny this request and to revoke the current permit. If the Board decides to grant this request, he asked that no racing be allowed until all buffering is in place.

**Hazel Kimrey**, neighbor, said the track lights are very bright and the operation is noisy. She pointed out that Mr. Smith does not live in this neighborhood and neither do the others who spoke in support of the request. She asked that the County make Mr. Smith abide by the conditions of his permit.

*On motion of Davis, seconded by Holmes, the Board voted unanimously (3-0) to postpone a decision on this request until their October 1, 2001 meeting and instructed Planning and Zoning staff to monitor the facility during the next month to see if Mr. Smith is in compliance with his original Conditional Use permit and to report findings to them at their October 1 meeting. They reminded Mr. Smith that his original conditions are still in effect and that he must comply with them.*

2. DAVID REYNOLDS, Greensboro, is requesting that 33.70 acres located on N.C. Hwy 22 North be rezoned from RA to RE/CU. The proposed CU zoning would specifically allow the development of a 26-lot subdivision for site-built homes only. The Planning Board, by a 4-1 vote, recommended that this request be denied. Mr. Johnson noted that the Planning Board's concern was not for housing type; they felt there are too many driveway connections, which would create a hazardous situation on Hwy 22.

**Jon Megerian**, attorney for the applicant, presented an alternative site plan without the individual driveway connections. He said there will be no modular houses. Minimum size of heated living area has been changed from 1100 square feet to 1250. He asked those in support of this request to stand. Approximately 50 people stood.

**John Reeves**, 1708 21<sup>st</sup> Ave. S., Nashville, TN, one of the property owners, stated that they have been unable to farm this land and that these houses will add to the tax base. He said that a NC Department of Transportation engineer has determined that traffic on Hwy 22 is only at 25% capacity.

**Bernard Shea**, 2221 Willow Meadows Drive, Pleasant Garden, said this development would offer affordable housing to many who couldn't afford larger homes and that it could help bring such things as a grocery store to the community.

**Bill McClintock**, William Sterrett Road, Greensboro, said this development would be beneficial to the community.

**Lyle Anibal**, 2214 Willow Meadows Drive, Pleasant Garden, said change is inevitable, and this development is a positive change.

**Tiffany Weeks**, 5502 Broadleaf Road, Summerfield, one of the property owners, said this is the most responsible choice for the land.

**Ben Blankenship**, 5212 Millstone Road, Oakridge, said he has to keep the land mowed and maintained now and that it will become an eyesore if left in disuse.

**Brian Andrews**, Willow Meadows Road, Pleasant Garden, said he lived in Greensboro for 37 years. It is a dream come true to live in Randolph County and in one of Dave Reynolds' houses. He would like to see others have the same opportunity.

**Shirley White**, 2171 Willow Meadows Road, Pleasant Garden, praised Dave Reynolds' developments and supported this request.

**John Waugh**, adjoining property owner, said he would prefer fewer houses and larger lots. He has lived there 41 years and has been in the chicken business for 23 years. One of his chicken houses is less than 300 feet from this property line. He doesn't want people moving in next-door and complaining of the smell from the chickens.

**Kim Gunter**, Hwy 22 N. and adjoining property owner, said that traffic on Hwy 22 is an issue and that she has seen numerous vehicle accidents in her yard and field. She said if she wanted a big grocery store, she would have moved to the city. She added that 13 wells next to her is a huge concern. She asked those in opposition to stand. Approximately 40 people stood.

**Craig Coe**, Wayne White Road, said he has 7.5 acres and wants to be in the country. He said it is not fair to put 25 starter homes there.

**Tracy Peel**, 3472 Wayne White Road, expressed concerns about the water table and about sewage runoff.

**Leana K. Nelson**, 4508 Mack Lineberry Rd., said that changes in the driveway connections do not negate the problems with the five-point intersection right below there.

**Sharon Pratt**, 3437 Wayne White Road, said traffic is already bad and that the proposed entrance onto Wayne White Road is at a very bad curve.

**Carlton Johnson**, Briar Oak Subdivision, raised concerns about the septic systems.

**Norman Coble**, neighbor, said the septic fields will drain into the watershed.

**Lloyd Smith**, Hunting Lodge Road, said newcomers living on one acre will try to come into the neighborhood and change the way the rest of them live. Being in a dense development, he said, is not living in the country.

**David Hardison**, 8625 Hwy 22, said there are two similar subdivisions which were approved seven or eight miles from there about two years ago and there are still empty lots. Therefore, this development is not really needed. He said the five-point intersection on Hwy 22 can't handle any more traffic.

**Terry Swain**, New Salem Road, said he owns a 150-acre farm and that he can't keep the dirt bikers out. He said they don't need more people there.

Vice Chairman Frye asked how many of those supporting this request live within one mile. No one raised a hand.

The applicant asked that a buffer (of planted trees) along Hwy 22 and the revised plat presented tonight be included as part of his Conditional Use permit.

*Holmes made a motion, seconded by Davis, to approve this request with the new conditions of the buffer and revised plat. Discussion ensued concerning the minimum size of the houses being only 1100 square feet and the need for more buffering. There was also a concern about the placement of wells.*

The applicant asked that a part of his Conditional Use permit be that houses will have a minimum size of 1350 square feet, that wells not be placed any closer to surrounding property lines than fifty feet, that there be a buffer (two staggered rows of pines or Leyland cypress) along the northern border to the wooded area, and that there be a fifty-foot buffer maintained along the northern border where the woods start and along the entire western side.

*Holmes made a substitute motion, seconded by Davis, to approve this request with the following conditions: the revised plat presented tonight becomes a part of the Conditional Use permit; there will be a buffer (two staggered rows of pines or Leyland cypress) along Hwy 22 and along the northern border to the wooded area; there will be a fifty-foot buffer maintained along the northern border where the woods start and along the entire western side; houses will be a minimum of 1350 square feet; and wells will not be placed any closer to surrounding property lines than fifty feet. This motion passed two to one, with Frye opposing.*

3. **REID KEARNS**, Asheboro, is requesting that 21.5 acres located on the corner of Sawyersville Road and Jackson Road, Cedar Grove Township, be rezoned from RA to RE/CU. The proposed CU zoning would specifically allow the development of a 12-lot subdivision for site-built homes only. The Planning Board unanimously recommended that this request be approved.

**Reid Kearns**, applicant, presented a copy of the deed restrictions and stated that no timber would be disturbed except what has to be cut for the construction.

**Frank Rose**, 3564 Sam Jackson Road, said there have been a total of 165 houses either built or approved to be built on a two-mile stretch of this road. He said traffic is already bad, and that water quality is his main concern. He said his water quality has already dropped 40% since six houses have been built beside him. He said he would like to see fewer lots and larger houses.

**Lewis Southern**, 993 Sawyersville Road, said he is not against the development of the property but would like to see larger houses (1300-1400 square feet) similar to what is already there.

**Donald Freeman**, 1116 Running Cedar Rd., said lot sizes on Sawyersville Road are much larger than the proposed development. He asked that Mr. Kearns take into consideration the people already living there.

The applicant requested that his Conditional Use permit include a minimum house size of 1400 square feet.

*On motion of Davis, seconded by Holmes, the Board voted unanimously (3-0) to approve the request of Reid Kearns, with the condition that houses be a minimum of 1400 square feet.*

4. Eagle Eyes Flea Market, Asheboro, is requesting that 2.64 acres located at 4380 U.S. Hwy 64 East, Franklinville Township, be rezoned to amend the current HC/CU zoning which allows an antique store and auction house. The proposed amendment would specifically allow an antique store in an existing structure, an indoor flea market in another existing structure, an outdoor flea market and a used car sales lot with a display of up to 5 vehicles. The Planning Board recommended unanimously that this request be approved.

No one spoke concerning this request.

*On motion of Holmes, seconded by Davis, the Board voted unanimously (3-0) to approve this request.*

#### **Public Hearing on Amendments to the Randolph County Zoning Ordinance**

Hal Johnson, Planning and Zoning Director, explained proposed new language in the County's zoning ordinance, which will address the problem that occurred last month when an applicant wanted to withdraw a rezoning request at the last minute.

Vice Chairman Frye opened the public hearing. No one spoke, and he closed the public hearing.

*On motion of Davis, seconded by Holmes, the Board voted unanimously to approve the following amendment to the Randolph County Zoning Ordinance:*

#### *Article XIII, Administrative and Legal Provisions*

#### *Section 4: Changes and Amendments (to include new subsection "J")*

*An applicant may withdraw or postpone a final hearing on a rezoning request before the Board of County Commissioners if such request is received in writing by the County Planning Director within five (5) working days after action by the County Planning Board. Any request to withdraw or postpone a hearing thereafter shall be determined in the sole discretion of the Board of County Commissioners.*

#### **Adjournment**

There being no further business, the meeting adjourned.

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Darrell L. Frye, Vice Chairman

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J. Harold Holmes

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Robert O. Mason

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Robert B. Davis

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Cheryl A. Ivey, Deputy Clerk



